



Townsend Council Meeting Minutes October 7, 2015

7:30 pm – Council Meeting

- I. Call to Order: 7:30 pm
- II. Opening Ceremonies
 - Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
 - Pledge of Allegiance: Pledge was said
 - Recognition of Visitors: Al Harrington, Mal Martin, Beth Deligatti, Regina & Michael Albert, Linda DelPizzo, Dwain Haines, Keith Shoemaker, Jack Fitzhugh (left before meeting started) & Ellen Willey (left before meeting started)
 - Announcements:
 - Town Hall closed Monday 10/12/15 in observance of Columbus Day
 - Town Hall closed Wednesday 11/11/15 for Veterans Day
 - Town Hall closed Thursday 11/26 and Friday 11/27/15 for Thanksgiving
 - Town Hall closes at noon on Wednesday 12/23 and will reopen on Monday 12/28/15 in observance of the Christmas holiday.
- III. Additions/Deletions to Published Agenda:
 - CM Ness asked to delete 7a, Lt. P won't be here.
 - Mayor asked to strike 7b and # IV.
 - CM Ness motioned, CM Sutton seconded with unanimous vote to accept the agenda with the above deletions.
- IV. Rob Allen – Handler Homes – deleted from agenda
 - Discussion of Phase 4D South Street, bond waiver request
- V. Council Minutes
 - Approved August 19, 2015 Mid-Month minutes on back table
 - Approved September 2, 2015 Council minutes on back table
- VI. Mayors Report
 - Change date for December mid-month meeting from 12/23/15 to Wednesday 12/16/15
 - CM Ness motioned, CM Sutton seconded with unanimous vote to change the December mid-month meeting from 12/23/15 to Wednesday 12/16/15.
 - Streetscape Phase II – South Street to TES
 - Mayor Hatton said he and TM Green met with DelDot and McCormick & Taylor on Wednesday about Phase II of the streetscape. There will be a public meeting at the Fire Hall on Wednesday, 11/4/15, 6:00 – 7:00 pm, prior to the Council meeting. The meeting will be conducted by DelDot.
 - Mrs. DelPizzo said she has a problem with doing Phase II when Phase I hasn't been fixed and asked if the contractor had been picked yet.
 - Mayor Hatton stated we have to have a public hearing to enable us to apply for state and federal money. All municipalities fight for this money. We are months away from anything happening.
 - Mrs. DelPizzo asked that the Town not choose the cheapest contractor and don't get the same contractor as last time.
 - Mayor Hatton stated he said the same thing to DelDot and made it clear we didn't want the same contractor that did Phase I. However, this is completely a DelDot project and

they have total control. The design will be the same as Phase I. Phase II will also address some of the ADA issues around Townsend Elementary School.

- Mr. Harrington asked who from the Town will oversee the project and was told no one, completely a DelDot project. Mr. Harrington asked if DelDot will listen to resident issues.
- Mrs. DelPizzo suggested a DelDot representative attend monthly meetings during the construction and Mayor Hatton said they will be in attendance.

VII. Reports

- State Police: Lt. Tom Paskevicius/Cpl1 Heather Imhof – not here
- Representative Jeff Spiegelman – not here
- Townsend Fire Department: Keith Shoemaker
 - First chicken & dumpling dinner will be 10/21/15, 4:30 pm – 7:00 pm.
- Town Attorney Fred Townsend III:
 - We received reports of dissatisfaction about the quality of work done by the streetscape contractor. Have been working on a recourse for the Town since then and we are getting close to getting the Town satisfaction.
 - TA Townsend asked Council for permission to file a lawsuit for unsatisfactory work performed by Grassbusters and the money will be applied toward fixing the shoddy work.
 - CM Ness motioned, CM Sutton seconded with unanimous vote to have Schmittinger and Rodriquez file a motion against Grassbusters to recover funds for shabby work done on the streetscape.
 - Mayor Hatton asked TA Townsend when the motion would be filed and TA Townsend said he doesn't have a definite date yet.
 - Mr. Haines asked if everything has been documented and pictures taken and was told yes.
 - Mrs. DelPizzo asked what will happen if Grassbusters isn't financially sound and go bankrupt.
 - CM Sutton said the money will then come from the bond money they had to put up front.
- Town Engineer Owen Hyne:
 - Development is progressing in TVI and TVII.
 - TVI - the developer is doing curb and base road repairs prior to doing top coat surface paving. A lot of paint marks throughout the development where repairs will be made.
 - TVII – the developer will be starting a new phase (Phase 4D) along South Street, had a meeting about it last week. Eventually, once the building is done, South Street will connect with Old Town at Gray Street. All this work will start in the next couple weeks.
 - 141 Main Street – new things happening every day, work progressing. Preparing to spray foam insulate the building tomorrow. Site work should start next week, has held off due to weather.
- Town Manager Dawson Green:
 - Nothing to report.
 - CW Cook asked why Townsend doesn't participate in the National Flood program.
 - TM Green said we are not in the flood zone area per FEMA and DEMA. If you look at their maps, we are nowhere near the flood zone.

VIII. Committee Reports

- Finance: Chair – Jermaine Hatton
 - Still preparing for the upcoming FY 2015 audit, TM Green has sent a lot of files to them.

- We are ahead of pace for new buildings for the budget. Our budget number for the entire fiscal year is 26 new homes and we are already at 18 new homes. Handler just started a new phase and all 18 homes are already sold. Many people want to move to Townsend, great place to live and good school district.
 - CW Gorman asked if we received the FY 2014 audit and Mayor said no, he will call Debbie in the morning.
- Public Works: Chair – CM Rudy Sutton
- Discussion/possible vote – Change order #6 – 141 Main Street
 - I. The basement access had to be reframed and new bilko doors added. The card access was wired in, floor receptacles, rear office on 2nd floor will be finished, finishing the sun room on the 2nd floor, 2nd floor hallway egress exterior light poles; some of these change orders were requirements from the fire marshal. The porch roof and rear roof had to be replaced due to damage. The decking on the porch was termite damaged and has to be replaced.
 - II. The change order total is \$52,557.00
 - III. CM Sutton motioned, CM Ness seconded with unanimous vote to approve change order # 6.
 - Discussion/possible vote – Change order #7 – 141 Main Street
 - I. CM Sutton asked to table change order #7. It is not complete.
 - II. Mayor Hatton said we will discuss this change order at the mid-month meeting on 10/21/15.
- Land Use & Development: Chair – Jermaine Hatton
- Review/possible approval of zoning board recommendations
 - Recently 605 and 615 Cannery Lane was purchased by Suppi Construction. They came to the Town asking to change the zoning from commercial to industrial because commercial codes prohibit storing construction equipment on the property. This will have to go before PLUS, it is not a decision the Town can make. If the zoning is changed to industrial, there are some site improvements they will have to do; a 50 foot buffer and 75 foot parking buffer, landscaping requirements, etc.
 - Mayor Hatton clarified they are an excavating company and will have excavators and dump trucks there which will be parked in the outside area.
 - The zoning committee met on this issue and recommended the Town submit this to the PLUS committee for approval.
 - CM Ness motioned, CM Sutton seconded to send this recommendation to PLUS.
 - Before the vote there was a long discussion.
 - CW Gorman asked for a time frame once this is sent to PLUS and was told it goes to the State and all the state sub-committees. It could take 6-8 weeks. Suppi cannot do anything until we get a decision.
 - Mrs. DelPizzo asked if this is the same contractor that was awarded the site work at 141 Main Street and was told yes. She asked why they don't get storage in Middletown, this Town is residential and she doesn't agree with this decision; we don't need more trucks and equipment running down Main Street.
 - Ms. Deligatti agreed with Mrs. DelPizzo. She said she opened a small business in her home and had to jump through hoops to get it approved. Strongly oppose this business; it is the worst possible thing that can be imposed on the neighborhood. The trash company came in without us being notified, can't talk on the phone now with the "white noise" during harvest, it is in our back yard. No conflict with it being commercial, we don't need industrial. She asked Council to think about the impact on the residents if this is made industrial.
 - TA Townsend asked Mayor Hatton for a 5 minute adjournment.

- CW Cook motioned, CM Sutton seconded with unanimous vote to adjourn for 5 minutes.
- Once back in session, Mrs. DelPizzo asked what the benefits would be for this property to be changed to industrial.
- Mayor Hatton stated it would bring in more taxes.
- Mrs. DelPizzo asked if the Town has considered building office buildings back there and getting revenue from rentals.
- Mayor Hatton said the Town isn't in the business of owning buildings.
- Mrs. DelPizzo stressed again that she is 100% against this property being made industrial.
- TA Townsend explained the motion is only to send the request to PLUS, it isn't making a motion to approve the rezoning. If the rezoning is approved through PLUS, there will be a public hearing prior to Council voting on the issue.
- Mr. Albert asked if the little people will be heard at the public hearing and was told yes.
- Mrs. DelPizzo said she believes it is fishy that the same company that got the site work bid at 141 Main Street is the same company that bought the property and wants to re-zone it.
- Mayor Hatton said the two had nothing to do with each other.
- Mr. Albert clarified this property is the FDIC property and asked if they have to abide by the noise ordinance and was told yes to both.
- Mr. Harrington asked if the property has already gone to foreclosure and was told yes. He clarified that all the property, buildings and vacant lots are currently zoned commercial.
- Mayor Hatton said the yes and they are asking to re-zone the empty lots to industrial, not the buildings.
- TM Green added that everything on that side of the street is currently zoned commercial and across the street, Waste Industries and the parcel next to them are zoned industrial.
- Ms. Delligatti said you can see the damage that has been done because of that, the difference is we now know we can speak up. This business may not be too bad, but what if they move out, the zoning can't be unchanged and the next company may decide to open another scrap yard and crush cars and there is nothing we can do about it. Anyone could come in there.
- Mayor Hatton said we have had a heavy hand with getting the scrap yard cleaned up, it is better now than it has been in the last 15 years.
- CW Cook asked what would be the benefit of Council approving this and moving forward with it. Many of us are just hearing about this; how would it be beneficial making it industrial? Why would I encourage the government to look at this when I'm not even sure it should be made industrial?
- Mayor Hatton explained the owner has come to the zoning board with the request and we as Council have to do due diligence and move forward with it. Once the State says yes or no to the request, then we have the opportunity to approve the request or not.
- CW Gorman asked why a vote is necessary if we are only going to send this request to PLUS for review.
- Mayor Hatton said Council has to approve the request being submitted to PLUS.
- Mrs. Albert asked if the State would interpret this as Council approving the request because you sent it to them.
- Mayor Hatton said not necessarily because Council will have the final say. We have sent requests to PLUS in the past that they have turned down. There are many agencies involved once it goes to PLUS. If PLUS denies the request, it is dead in the water.

- Mrs. DelPizzo asked if the EPA will be involved and was told yes.
- CW Cook said we hear continual complaints from the residents along Main Street about the industrial traffic on Main Street and the noise and damage it does to the historical homes. Am confused why it would be beneficial to have PLUS look at this if we are in dis-agreement. It is spending money that doesn't need to be spent. I understand doing due diligence but why do I have to vote.
- TA Townsend said this isn't an uncommon practice and very good questions. You can't have a position on this issue right now because you haven't had a public hearing and you should avoid expressing that you have made up your mind on something before you have a public hearing. It is very common for an application process like this to require a vote to refer a question to a planning commission which you are in the process of getting up and running. You will cast votes like that which are just a formality in the future. In the future, zoning questions will be sent to your planning commission with a vote asking them to make a recommendation to Council. The motion does not pre-dispose the outcome once it gets back to you. Your process now requires you to take an application and send it to PLUS for their review. If you don't send it to PLUS you are potentially liable in an action from the property owner. The property owner has a right to apply for re-zoning, doesn't have a right to expect an outcome they like. In order for the right to apply to make any sense, it has to include a referral to PLUS.
- Mrs. DelPizzo asked if the property owner is the one making the request and was told yes.
- Mayor Hatton repeated the motion for the benefit of all. It is a motion to move the application forward to the PLUS committee.
- Vote: CM Ness, CW Gorman, CM Sutton – aye, CW Cook – nay. Motion carried and will be submitted to PLUS for review.
- Community Relations: Chairs – CW Cindy Cook
 - We renewed our membership with the MACC.
 - Our exposure the week of the fair on facebook was up to 6000.
 - We received an offer from a local non-profit that wants to extend a hand to the Town as needed.
 - Mayor Hatton said a local Townsend business; CMJ Motors on Rt. 13 next to the Valero is doing a turkey drop. They are collecting canned and boxed goods for the local soup kitchens.
 - The MACC is having a Halloween loop, trying to bring some of what is up north to the south.
- Public Safety: Chair – CM John Ness
 - Code Red was used to pass on important information about the Town fair and parade. Very powerful tool. You can sign up through our website if you would like to be contacted.
 - Had several National Honor Society students and boy scouts volunteer at the fair.
 - Will have additional police coverage on mischief night and Halloween night.
 - Working with the police to change out hours they will have in Town. Have discussed the speeding on Main Street. I'm acutely aware of the speeding on Main Street as I ride a bike often.
 - There was a long discussion about speeding on Main, Commerce and South Streets which are all state maintained streets. We are very limited on what we can do to slow traffic down.
 - There was also a lengthy discussion about drugs sales/use on Commerce Street. CM Ness asked for names and addresses to pass onto the police.

➤ Parks & Recreation: Chair – CW Lorraine Gorman

- Mayor Hatton thanked CW Gorman for a great event; many people have stopped him to say it was a great event, the best they have ever seen in Townsend.
- Town Fair Report
 - I. CW Gorman thanked all of Council and the Town employees and their families and friends. Everyone worked as a team, all ran smoothly, phenomenal number of cars in the parade this year. Thanked TC Beaver, we started working on this event in February. We aren't done yet, still need to contact all the vendors and parade participants to thank them for participating and get feedback from them. Had over 100 vendors, a good mix, huge event for us. Heard many comments that we are so welcoming and they all come back because they have so much fun.
 - II. Had great sponsors this year. There is an expense report in Council's folders.
 - III. Lifehouse Church gives away cotton candy and popcorn and any donations they get they donate back to the Town. Donated \$107.00 this year in addition to running all the Town games.
 - IV. Since we didn't use any of the budget, would like to propose doing other events.
 - V. CW Gorman motioned, CM Sutton seconded with unanimous vote to set trick or treat hours from 6:00 – 9:00 pm and curfew at 10:00 pm on October 30th and 31st.

➤ Proposed Future Events

- Christmas Caroling/Tree Lighting in the Park – would like to decorate and light the tree going into the park.
- Monthly Family Movie Nights – June through August
 - I. Would like to do 3 movie nights next year. Will have to get more sponsors. Possibly do it the 2nd Friday of each month.
 - II. NWF has come out with the Mayors Monarch Pledge. They encourage Towns to participate, have a conference call tomorrow about initiatives they would like Towns to complete to help save the Monarch.
 - III. CW Cook asked why we aren't lighting the gazebo in the park now.
 - IV. CW Gorman said we have an issue with the electric box. Want to get them turned on as soon as possible. Electrician coming tomorrow.

IX. Citizens Comments & Participation - none

X. Adjournment: 8:53 pm, CW Gorman motioned, CM Ness seconded with unanimous vote.
